

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM C. TOTH JR., ET AL.	:	No. 1:22-cv-00208-JPW
	:	
Plaintiffs	:	
	:	
v.	:	
LEIGH M. CHAPMAN, ET AL.	:	
	:	
Defendants	:	

DECLARATION OF SETH GROVE

Under 28 U.S.C. § 1746, I, Seth Grove, make this declaration as follows:

1. I am over 21 years of age and fully competent to make this declaration.
2. I have personal knowledge of the facts stated in this declaration, and all of the stated facts in this declaration are true and correct.
3. I am a member of the Pennsylvania General Assembly and represent Pennsylvania's 196th legislative district.
4. On January 24, 2022, following a months-long congressional redistricting process, the Pennsylvania General Assembly approved a citizen-drawn congressional map.
5. That map was known as House Bill 2146.
6. The General Assembly passed H.B. 2146 and sent it to Governor Tom Wolf for his signature.
7. The map approved by the General Assembly approved remains largely identical to the plan submitted by Amanda Holt, a Lehigh Valley resident and redistricting-reform advocate.

8. Indeed, Governor Wolf selected Ms. Holt to serve on his Redistricting Reform Commission and the Pennsylvania Supreme Court cited her work in numerous redistricting court cases.

9. I introduced the HB 2146 following 13 public hearings, eight of which were held across the state.

10. This is the most open and transparent congressional redistricting process ever established in the General Assembly.

11. This is also the first time in the history of Pennsylvania the General Assembly selected a citizen-drawn map.

12. HB 2146 was developed without the use of political data and focused on meeting the traditional constitutional criteria of redistricting.

13. Ultimately, HB 2146 created a map of 9 Democratic-leaning districts and 8 Republican-leaning districts. Of these 17 districts, 5 are considered competitive districts.

14. Of the 17 districts, 12 have a population of 764,865, and 5 have a population of 764,864, meeting the constitutional requirement of equal populations.

15. HB 2146 considered hours of testimony, 399 public comments, and comments of interest submitted to www.PaRedistricting.com from residents of Pennsylvania.

16. The Carter map adopted by the Pennsylvania Supreme Court “was filed with the court by plaintiffs linked to the National Redistricting Action Fund, a dark money affiliate of National Democratic Redistricting Committee, while the case was

argued by Democratic attorney Marc Elias.” Stephen Caruso, Pa. *Supreme Court picks national Dems’ map as new congressional plan* - Pennsylvania Capital-Star, February 23, 2022, <https://bit.ly/3HtyDXT>

17. According to the National Redistricting Action Fund’s IRS Form 990 their purpose of the organization is “To build a comprehensive plan to favorably position Democrats for the redistricting process of 2022.” <https://bit.ly/3htUyn3>

18. This Carter map was drawn behind closed doors by a California resident without the knowledge of Pennsylvania or input of Pennsylvanians.

19. Pennsylvania has a natural political geography which creates an advantage to the Republican party.

20. Simply stated, Democrats are heavily concentrated in urban areas (the cities of Philadelphia Pittsburgh) while Republicans are spread throughout Pennsylvania (the “T”).

21. The Carter map creates 10 Democratic-leaning districts and 7 Republican Districts.

22. This is an outlier as the natural political geography of Pennsylvania creates 9 Democratic-leaning districts.

23. To reduce or eliminate the natural political geographic advantage Republicans have in Pennsylvania, the creators of the Carter map must gerrymander to eliminate that advantage.

24. The Carter map overcomes this natural geographic political advantage by using typical gerrymandering tactics to draw more advantageous lines for Democrats.

25. This is reflected in map decisions the California mapmaker made in the map design.

26. First, the Carter map was designed to be “least-change” from the 2018 map that Pennsylvania Supreme Court imposed in *League of Women Voters v. Commonwealth*, 178 A.3d 737 (Pa. 2018).

27. According to the Pennsylvania Supreme Court’s special master, the Carter map that the state supreme court imposed has a partisan gerrymander favoring Democrats.

28. Two incumbent Republican Congressmen were placed in the same district: Congressman G.T. Thompson and Congressman Fred Keller.

29. In a redistricting process that requires the loss of a seat, this is expected, but unnecessary.

30. HB 2146 grouped Congressman Matthew Cartwright, a Democrat, and Congressman Dan Meuser, a Republican, together in a competitive district so that voters could decide who the next member of Congress would be—not an out-of-state mapmaker hired by a Democratic dark-money organization.

31. The population growth of Pennsylvania occurred in the southeast and southcentral parts of Pennsylvania.

32. Therefore, the 2022 map should have shifted seats toward the southeast, with rural congressional districts growing in geographical size and being pulled toward the southeast, and the suburban and urban seats in the southeast shrinking in geographical size and again being pulled toward the southeast.

33. The reverse happened in the Carter map.

34. The 4th congressional district was pulled westward into Berks County, providing a safer district for Congresswoman Madeleine Dean, a Democrat.

35. This allowed the California mapmaker, who created the Carter map, to move the Delaware County–based 5th congressional district north into Montgomery County.

36. The 2020 census population of Montgomery County is 856,553, which is 91,688 over the target population of a Pennsylvania congressional district of 764,864.

37. The only reason to move a Montgomery County–based district west into Berks County, while simultaneously moving a Delaware County–based seat north into Montgomery County, is partisan gerrymandering.

38. Further, the 6th congressional district also moved west, against the natural population trends of Pennsylvania, into Berks County, providing another gerrymandered seat for Democrats.

39. The 10th and 11th congressional districts in southcentral Pennsylvania moved west, creating a safer seat for Congressman Lloyd Smucker, a Republican, and maintaining the Democratic-gerrymandered 10th congressional district of the 2018 map, while adding more western municipalities of Cumberland County.

40. Again, these congressional districts movements heading west is against the population growth areas of Pennsylvania.

41. The 9th congressional district was gerrymandered to create a seat to pack Republicans into a district starting at the New York state border to the Lebanon County and Lancaster County line.

42. The drawing of the 7th, 8th, and 9th districts completely eviscerated the coal-country communities of interest.

43. The 12th congressional district in the Carter map creates a “Freddy Kreuger”-like claw out of the City of Pittsburgh.

44. Allegheny County has a 2020 census population of 1.25 million people, which means the county should have an entire congressional district within its borders and another partial congressional seat.

45. The Carter map creates two partial Allegheny County seats to create two safe Democratic seats.

46. Lastly, the Carter map ignores the Constitution’s equal-population rule.

47. The 1st, 5th, 8th, and 14th congressional districts in the Carter map have a population of +1 over the targeted congressional population.


48. The 3rd, 6th, 9th, 10th, 11th, 12th, 13th, 15th, and 17th congressional districts in the Carter map that the Pennsylvania Supreme Court selected have a population of –1 under the targeted congressional population.

49. The two-person deviation flies in the face of the one-person, one-vote principle and is blatantly unconstitutional.

50. Also of note, most of the +1 congressional districts are Democratic-leaning districts and most of the -1 congressional districts are Republican leaning.

51. Using population deviation is another gerrymandering tool when a mapmaker can maximize the population in certain districts and minimize the population in other districts to crack and pack voters for partisan outcomes.

52. I declare, certify, verify, and state under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.


[Seth Grove \(Feb 27, 2022 16:22 EST\)](#)

SETH GROVE

Date: Feb 27, 2022